

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:08-MD-1959-BO

IN RE:	)	
	)	
PANACRYL SUTURES PRODUCTS	)	
LIABILITY CASES	)	<u>ORDER</u>
	)	
This document applies to all cases.	)	
_____	)	

The Court has reviewed the Joint Motion for Modification of Case Management Order No. 1 and, for good cause shown, the Motion is GRANTED.

Paragraph 7.5 of Case Management Order No. 1 shall be modified to read as follows:

Plaintiff Fact Sheet: All plaintiffs will complete a Plaintiff Fact Sheet (currently under negotiation among counsel and to be approved by the Court), within sixty (60) days of entry of the Order approving the Plaintiff Fact Sheet. The Fact Sheet shall include a completed Affidavit attesting that the information contained in the Fact Sheet is true and correct to the best of the Plaintiff's knowledge, information and belief formed after due diligence and reasonable inquiry. Defendants shall raise any alleged deficiency with respect to such fact sheet within forty-five (45) days after receipt of such fact sheet. Nothing herein shall waive Defendants' right to challenge the validity or accuracy of the substantive information contained in any Plaintiff Fact Sheet. No additional discovery may be served on Plaintiffs until further order of this Court.

The completed Fact Sheets shall be considered interrogatory answers pursuant to Fed. R. Civ. P. 33 and as responses to requests for production of documents pursuant to Fed. R. Civ. P. 34 and will be governed by the standards applicable to written discovery under Fed. R. Civ. P. 26 through 37. The questions and requests for production in the Fact Sheets are non-objectionable and shall be answered without objection. This section does not prohibit a Plaintiff from withholding or redacting information based upon a recognized privilege or protection. If a Plaintiff withholds or redacts any information, Plaintiff shall provide a privilege log to Defendants.

Paragraph 7.15 of Case Management Order No. 1 shall be modified to read as follows:

Discovery Deadline: The parties will diligently, and in good faith, continue to work

through all discovery as more specifically described herein:

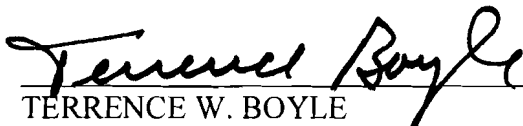
Written Discovery and Depositions: The parties shall complete all written discovery and shall take the depositions of all fact witnesses, including corporate designees and employees of Defendants, and all third-party witnesses by September 30, 2010.

Expert Witnesses: Expert witnesses and their reports shall be identified and such witnesses deposed as follows:

1. Identification and reports from experts are due from Plaintiffs by October 31, 2010.
2. Depositions of Plaintiffs' experts shall be completed by November 30, 2010.
3. Identification and reports from experts are due from Defendants by December 31, 2010.
4. Depositions of Defendants' experts shall be completed by January 31, 2010.

Further modifications of these discovery deadlines shall be made only by further Order of this Court.

SO ORDERED, this 1 day of August, 2010.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE